

August 24, 2015

Daniel A. Petalas, Esq.  
Acting General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
COMMUNICATIONS SECTION

2015 AUG 27 PM 1:26

OFFICE OF GENERAL COUNSEL

**MUR # 6960**

Re: Complaint Filed Against Roger A. Stone and SW Technologies, LLC t/a  
Advocacy Data

Dear Mr. Petalas:

Pursuant to 52 U.S.C. § 30109(a)(1) and 11 CFR § 111.4, please accept this letter as a Complaint filed by the NRCC against Roger A. Stone and SW Technologies, LLC t/a Advocacy Data for violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations. The Respondents unlawfully used information copied from the NRCC's reports and statements for the purpose of soliciting contributions and for commercial purposes, in violation of 52 U.S.C. § 30111(a)(4) and 11 CFR §104.15.

I. Facts

The NRCC is a national party committee registered with the FEC. The NRCC files monthly reports with the Commission, disclosing contributors as required by law. As part of its filing procedure, the NRCC including fictitious contributor names on its periodic reports, as way of monitoring for list theft or fraud. One of the fictitious names appearing on recent reports was \_\_\_\_\_, with an address at \_\_\_\_\_, Fort Worth, TX 76137, as stated in the affidavit attached hereto as Exhibit A.

On August 12, 2015, the NRCC received a mail package from Cruz for President, addressed to \_\_\_\_\_, at \_\_\_\_\_, Fort Worth, TX 76137. See Exhibit B. The mailer at issue included a "Pledge of Support," and solicited contributions for Cruz for President. The NRCC's General Counsel was able to confirm via email that the mail piece was sent to the "Republican Elite Donors" list ("the List") that is owned and maintained by Advocacy Data, and marketed by TMA Direct ("TMA"), a list brokerage firm. See correspondence at Exhibit C.

Roger A. Stone is the founder, President and CEO of Advocacy Data, a Washington, D.C.-based company providing political email marketing services to clients in the political sphere, including federal campaigns and nonprofit organizations. Advocacy Data purports to "own" the List. Advocacy Data retained TMA to market the List to entities seeking to rent it for a fee. TMA recently rented the List to Cruz for President, the presidential campaign committee for Ted Cruz.

Upon learning that Advocacy Data owned the List, the NRCC's General Counsel sent a cease and desist letter to Mr. Stone (Exhibit D), and as of the date of this letter, and not received any response to the letter from Mr. Stone or anyone else affiliated with Advocacy Data.

## II. Relevant Law

A national party committee must file monthly reports with the Commission. 11 CFR §§ 104.1, 104.5. The Commission posts these reports on its website, where they may be inspected by the general public. The names and addresses of individual contributors, however, may not be sold or used for any commercial purpose or to solicit any type of contribution, whether political or charitable. 52 U.S.C. § 30111(a)(4); 11 CFR § 104.15. The Act provides that "any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee." 52 U.S.C. § 30111(a)(4).

This principle, as the Commission and the Act's legislative history have repeatedly acknowledged, originated from the need to protect individuals who contribute to political committees from being victimized by list brokers selling their names for commercial purposes, AO 1985-16; *see also* AO 1986-25 and AO 2009-19. As documented in the Congressional Record, Senator Bellmon, the sponsor of the amendment containing the prohibition, described "how much of a business the matter of selling lists and list brokering has become." 117 Cong. Rec. 30,057-58 (daily ed. Aug. 5, 1971). Much Congressional and judicial concern, therefore, has focused on the risk of list brokers simply copying the names of contributors found on FEC reports, and selling them for solicitation by third parties. MUR 5625. Accordingly, the prohibition has been interpreted to encompass list making and list brokering. *Id*; *see also*, MUR 5155, 5385.

To protect against such impermissible uses, the Act permits political committees to "submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Secretary or the Commission shall exclude these lists from the public record." 52 U.S.C. § 30111(a)(4); *see also* 11 CFR § 104.3(e).

Prohibited uses include, but are not limited to, the use of the names of individual contributors to verify names included on a commercial list, and the use, for solicitation purposes, of a committee's list of individual contributors copied, even with the permission of the committee, from the committee's campaign finance reports. AO 1985-16; AO 1979-03.

### III. Legal Analysis

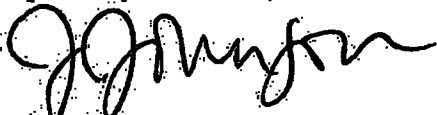
The NRCC received a Cruz for President mail piece addressed to a fictitious name and address that was included on the NRCC's September Report, filed September 20, 2012, in compliance with FEC regulations. There is no question that this fictitious name was copied from the NRCC's data and subsequently included on a commercial list that was then rented to Cruz for President. Cruz for President advised the NRCC that the name was, in fact, included on the list it obtained from TMA Direct, known as the "Republican Elite Donors" list. TMA Direct is a commercial list broker that manages the "Republican Elite Donors" list on behalf of Advocacy Data. Accordingly, Mr. Stone and Advocacy Data have violated federal law by illegally obtaining contributor data from the NRCC's FEC reports, and subsequently selling that data for a commercial purpose.

### IV. Conclusion

Upon information and belief, and based upon the facts relayed herein, Roger A. Stone and S/W Technologies, LLC t/a Advocacy Data have violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations. Accordingly, we respectfully request that the Commission not only conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law, but also to take any action necessary to prevent Advocacy Data from further violating the Act by illegally using the NRCC's data.

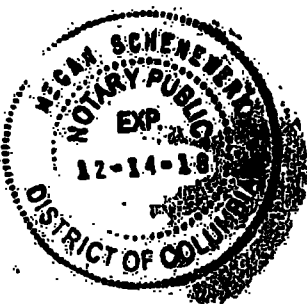
The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,



Jessica Furst Johnson  
Deputy Executive Director & General Counsel  
National Republican Congressional Committee  
320 First Street, Southeast  
Washington, D.C. 20003

Sworn to and subscribed before me this 24<sup>th</sup> day of August, 2015.

  
Notary Public

My Commission Expires: Dec 14, 2018

# Exhibit A

## GENERAL AFFIDAVIT

STATE OF District of Columbia

~~COUNTY OF~~ \_\_\_\_\_

PERSONALLY came and appeared before me, the undersigned Notary, the within named Erim Canligil, who is a resident of Arlington County, State of Virginia, and makes this his/her statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of his/her knowledge:

1. I am Erim Canligil. I currently am employed as an FEC Compliance Analyst by the NRCC, located at 320 First Street, S.E., Washington, D.C. 20003.
2. In my capacity as an FEC Compliance Analyst, I am responsible for creating donor information for the list of pseudonyms appearing on the NRCC reports submitted to the Federal Election Commission ("FEC"). The last names and addresses for the pseudonyms are supplied to the NRCC by U.S. Monitor, a list monitoring company. I then generate first names for the pseudonyms, match them with the provided addresses, and add other contribution information to an excel file. I then send this information to the NRCC's database manager, John Plishka, who loads the information into the NRCC's contributor database, where it is added to the NRCC's FEC reports. FEC treasurer Keith Davis then sends a letter to the NRCC's FEC analyst advising them of the pseudonyms filed on the NRCC's reports.
3. In September of 2012, I emailed Mr. Plishka and Mr. Davis and asked them to add " " as a pseudonym to the NRCC's September 20, 2012 (M9) report. That pseudonym, along with others, was added to the report, as available on the FEC's website. A copy of my email correspondence with Mr. Plishka and Mr. Davis is attached to this affidavit.

DATED this the 20 day of August, 2015

Erim Canligil  
Signature of Affiant

SWORN to subscribed before me, this 20 day of August, 2015



  
NOTARY PUBLIC

My Commission Expires:

December 14, 2018

## Jessica Furst Johnson

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**From:** Erim Canligil  
**Sent:** Wednesday, September 12, 2012 3:38 PM  
**To:** Keith Davis (external); 'John Plishka'  
**Subject:** RE: NRCC M8 Report and MBR  
**Attachments:** August Salt List.xlsx

Keith and John,

Please see the attached excel file for the salt list. It's the same data as the 8/16 email, but the dates have been revised.

Thanks!

Erim

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**From:** Keith Davis [mailto:kdavis@hdafe.com]  
**Sent:** Wednesday, September 12, 2012 2:10 PM  
**To:** Erim Canligil; 'John Plishka'  
**Subject:** RE: NRCC M8 Report and MBR

Hi – just checking that we are using the same SALT list of names/amounts (from the 8/16 email) for the 9/20 report. What are the revised dates of deposit (which of course were July dates on the original list)?

Thanks - Keith

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**From:** Erim Canligil [mailto:ecanligil@NRCC.org]  
**Sent:** Thursday, August 16, 2012 11:49 AM  
**To:** Keith Davis (external); 'John Plishka'  
**Subject:** RE: NRCC M8 Report and MBR

That totally works for me. Thanks again  
Erim

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**From:** Keith Davis [mailto:kdavis@hdafe.com]  
**Sent:** Thursday, August 16, 2012 11:30 AM  
**To:** Erim Canligil; 'John Plishka'  
**Subject:** RE: NRCC M8 Report and MBR

Hi Erim,

At this point, since this report has been reviewed and balanced, is it a problem to wait and add those to next month's report?

Thanks - Keith

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**From:** Erim Canligil [mailto:ecanligil@NRCC.org]  
**Sent:** Thursday, August 16, 2012 11:24 AM  
**To:** John Plishka; Keith Davis (external)  
**Subject:** RE: NRCC M8 Report and MBR

Keith and John,

Would it be possible to add the attached salt names to this month's report? Thanks

Last	First	Address	City	State	Zip	Country	Occupation	Employer	Donation	Date
			PLACENTIA	CA	92870-420	USA	Landscaper	Green Lawn CO.	\$500.00	8/13/2012
			CHEYENNE	WY	82009-514	USA	Rancher	Smithfield Ranch	\$900.00	8/27/2012
			NEW YORK	NY	10035-342	USA	Managing Partner	Horn, Kreling, & Hammer LLP	\$1,500.00	8/30/2012
			SPANISH FORK	UT	84660-214	USA	Software Developer	GeoFind Web Solutions	\$1,000.00	8/1/2012
			PORTLAND	OR	97217-342	USA	Attorney	Higgs and Morgan	\$1,500.00	8/23/2012
			FLAGSTAFF	AZ	86001-255	USA	Dermatologist	Flagsaff Dermatology	\$900.00	8/13/2012
			FORT WORTH	TX	76137-172	USA	Librarian	Weston & Connors LLC	\$999.00	8/28/2012
			ALBUQUERQUE	NM	87108-113	USA	Chef	La Vita	\$1,500.00	8/29/2012
			SCOTTSDALE	AZ	85254-425	USA	Neurologist	Scottsdale Neurology	\$600.00	8/20/2012
			NEKOOSA	WI	54457-135	USA	Mechanical Engineer	Necho Industries	\$1,100.00	8/12/2012

Exhibit B

PLACE  
STAMP  
HERE

PR0715A

to make an immediate impact,  
you can also contribute online at

[www.TedCruz.org/2015JulyPledge](http://www.TedCruz.org/2015JulyPledge)

ATTN: *748*

CRUZ FOR PRESIDENT  
PO BOX 7804  
MERRIFIELD VA 22116-7804



TedCruz 2016

## PLEDGE OF SUPPORT

Fort Worth, TX 76137-1723



Dear Senator Cruz,

- ☐ YES, you can count on me 100% as you launch your campaign to seek the Republican nomination for President of the United States! I agree that Republicans must nominate a principled, aggressive conservative candidate to take on Hillary Clinton in 2016. And I agree that America urgently needs to return to our founding principles, with elected officials who will uphold the Constitution, defend our liberty, and respect our traditional values.

To help our campaign get off to a strong start and make sure you can spread your conservative message to Republican primary voters, I have enclosed my gift of:

☐ \$1,000 ☐ \$500 ☐ \$250 ☐ \$100 ☐ \$50 ☐ \$35 ☐ Other: \_\_\_\_\_

Signature: \_\_\_\_\_

\_\_\_\_\_, Fort Worth, Texas

Please make check payable to:  
Cruz for President  
PO Box 7804 • Merrifield, VA 22116

You can also make your contribution online at  
[www.TedCruz.org/2015JulyPledge](http://www.TedCruz.org/2015JulyPledge)

For more important information, including how to make a contribution by credit card, please see the back.

To stay connected as a leading member of the Cruz for President team, please enter your email address:

510898767 PJA0715031A



# Exhibit C

**Jessica Furst Johnson**

**From:** Jessica Furst Johnson  
**Sent:** Wednesday, August 12, 2015 1:05 PM  
**To:** Mike Murray  
**Cc:** Sarah Rhoden; Rob Simms; Greg Christman; Andres Rey  
**Subject:** Re: NRCC list

Really appreciate that, Thanks Mike.

Sent from my iPhone

On Aug 12, 2015, at 12:57 PM, Mike Murray <[mmurray@tmadirect.com](mailto:mmurray@tmadirect.com)> wrote:

Jessica:

Ok. I have advised my staff to suspend marketing this list until the matter is resolved.

Mike

**From:** Jessica Furst Johnson [<mailto:jfurst@NRCC.org>]  
**Sent:** Wednesday, August 12, 2015 12:35 PM  
**To:** Mike Murray <[mmurray@tmadirect.com](mailto:mmurray@tmadirect.com)>  
**Cc:** Sarah Rhoden <[srhoden@nrcc.org](mailto:srhoden@nrcc.org)>; Rob Simms <[rsimms@NRCC.org](mailto:rsimms@NRCC.org)>; Greg Christman <[gchristman@tmadirect.com](mailto:gchristman@tmadirect.com)>; Andres Rey <[arey@tmadirect.com](mailto:arey@tmadirect.com)>  
**Subject:** RE: NRCC list

Thank you Mike,

This is still problematic. I just confirmed with the RNC that they have recently had a similar issue with Advocacy Data and the Republican Elite Donor list. They asked Mr. Stone to remove the RNC donor data from the Republican Elite Donor list in June, but nonetheless the RNC salts have received mail from the same list as recently as last week. Thus, I'm not certain we can take Mr. Stone at his word to remove the information just by asking him to do so. I'm also very concerned that despite the fact that no one disputes that the list in question contains illegally-obtained information, the list remains on the market and continues to be used by organizations that have previously purchased or rented the list and are unaware of this issue. Needless to say, as long as this list remains in circulation, the NRCC will continue to be financially impacted.

I'm awaiting a response from Mr. Stone, and please do let me know what actions TMA Direct takes with respect to this list. We'll decide how to move forward soon, and I'll keep you posted.

Thank you.

**Jessica Furst Johnson**  
Deputy Executive Director & General Counsel  
National Republican Congressional Committee  
(202) 479-7069 office  
[www.nrcc.org](http://www.nrcc.org)

**From:** Mike Murray [<mailto:mmurray@tmadirect.com>]  
**Sent:** Wednesday, August 12, 2015 12:22 PM  
**To:** Jessica Furst Johnson  
**Cc:** Sarah Rhoden; Rob Simms; Greg Christman; Andres Rey  
**Subject:** RE: NRCC list

Hi Jessica:

We can only take the list off the market at the request of our client.. I am sure we will hear from him soon. Thanks, Mike

**From:** Jessica Furst Johnson [<mailto:jfurst@NRCC.org>]  
**Sent:** Wednesday, August 12, 2015 11:35 AM  
**To:** Mike Murray <[mmurray@tmadirect.com](mailto:mmurray@tmadirect.com)>  
**Cc:** Sarah Rhoden <[srhoden@nrcc.org](mailto:srhoden@nrcc.org)>; Rob Simms <[rsimms@NRCC.org](mailto:rsimms@NRCC.org)>; Greg Christman <[gchristman@tmadirect.com](mailto:gchristman@tmadirect.com)>; Andres Rey <[arey@tmadirect.com](mailto:arey@tmadirect.com)>  
**Subject:** RE: NRCC list

Mike:

Thanks Mike. We'll contact Roger. Can I confirm that you all will not continue to market this list at this time?

**Jessica Furst Johnson**  
Deputy Executive Director & General Counsel  
National Republican Congressional Committee  
(202) 479-7069 office  
[www.nrcc.org](http://www.nrcc.org)

**From:** Mike Murray [<mailto:mmurray@tmadirect.com>]  
**Sent:** Wednesday, August 12, 2015 11:31 AM  
**To:** Jessica Furst Johnson  
**Cc:** Sarah Rhoden; Rob Simms; Greg Christman; Andres Rey  
**Subject:** RE: NRCC list

Hi Jessica:

The name in question came from the "Republican Elite Donors" list. That list is owned by:

Roger Stone (not the Roger Stone we've been hearing about in the press on a daily basis)  
Advocacy Data  
[roger@advocacydata.com](mailto:roger@advocacydata.com)

My office let him know the NRCC would be contacting him in regards to this inquiry.

Have a good day,  
Mike

**From:** Mike Murray  
**Sent:** Wednesday, August 12, 2015 10:19 AM  
**To:** Jessica Furst Johnson <[jfurst@NRCC.org](mailto:jfurst@NRCC.org)>  
**Cc:** Sarah Rhoden <[srhoden@nrcc.org](mailto:srhoden@nrcc.org)>; Rob Simms <[rsimms@NRCC.org](mailto:rsimms@NRCC.org)>; Greg Christman <[gchristman@tmadirect.com](mailto:gchristman@tmadirect.com)>; Andres Rey <[arey@tmadirect.com](mailto:arey@tmadirect.com)>  
**Subject:** RE: NRCC list

Hi Jessica:

Please let me know what list this came from so I can put you in touch with the appropriate person.

Thank you,  
Mike

**Mike Murray**  
President & CEO | TMA Direct  
2000 Edmund Halley Drive, Suite 250, Reston, VA 20191  
Direct | 703.547.4979 Fax  
visit us on the web at [www.tmadirect.com](http://www.tmadirect.com)

**From:** Jessica Furst Johnson [<mailto:jfurst@NRCC.org>]  
**Sent:** Wednesday, August 12, 2015 10:02 AM  
**To:** Mike Murray <[mmurray@tmadirect.com](mailto:mmurray@tmadirect.com)>; Andres Rey <[arey@tmadirect.com](mailto:arey@tmadirect.com)>  
**Cc:** Sarah Rhoden <[srhoden@nrcc.org](mailto:srhoden@nrcc.org)>; Rob Simms <[rsimms@NRCC.org](mailto:rsimms@NRCC.org)>  
**Subject:** NRCC list  
**Importance:** High

Good morning:

It has come to our attention that the Cruz campaign has sent a mailing piece to at least one NRCC "salt", meaning a name included in our NRCC FEC reports for the purpose of ensuring that no one solicits to our disclosed donors without our permission and in violation of law. I've spoken with the Cruz campaign, and I understand that the list containing the salt was owned by TMA Direct. Please contact me at your very earliest convenience so that we can discuss in more detail. I'm sure you understand that the NRCC must very vigilantly protect its donor list, and we are incredibly concerned that it appears that TMA is housing lists containing information pulled illegally from our FEC reports.

I look forward to hearing from you. Thank you!

**Jessica Furst Johnson**  
Deputy Executive Director & General Counsel  
National Republican Congressional Committee  
320 First Street, S.E.  
Washington, D.C. 20003  
(202) 479-7069 office  
cell  
[www.nrcc.org](http://www.nrcc.org)

# Exhibit D

**Jessica Furst Johnson**

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**From:** Jessica Furst Johnson  
**Sent:** Wednesday, August 12, 2015 12:29 PM  
**To:** roger@advocacydata.com  
**Cc:** Janice Knopp; Sarah Rhoden; Rob Simms; Jessica Furst Johnson  
**Subject:** NRCC list issue  
  
**Categories:** Waiting...

Hi Roger:

1604747611413  
It has come to our attention that Advocacy Data owns a list called "Republican Elite Donors" which contains information obtained from NRCC FEC reports in violation of federal law. At least one NRCC salt received a mail piece from Ted Cruz's presidential campaign, and we have traced this list back to Advocacy Data. The NRCC obviously takes protection of its list very seriously, and we are extremely concerned that Advocacy Data is violating the law in a manner that is financially detrimental to our organization.

We request that you immediately cease and desist from using or selling the Republican Elite Donors list until Advocacy Data removes all illegally-obtained NRCC contributor information. The NRCC takes this issue very seriously and will pursue all available legal and administrative remedies as necessary to protect its interest.

I would like to speak to you at your earliest convenience about this issue so that the NRCC can determine how to move forward, and to confirm that you have received this email and that Advocacy Data is no longer selling or utilizing the data belonging to the NRCC. We are also interested in knowing what steps Advocacy Data plans to take to ensure that this sort of violation does not occur in the future. Please let me know when you might be available for a call.

Thank you,

**Jessica Furst Johnson**  
Deputy Executive Director & General Counsel  
National Republican Congressional Committee  
320 First Street, S.E.  
Washington, D.C. 20003  
(202) 479-7069 office

[www.nrcc.org](http://www.nrcc.org)